



United States Department of Agriculture

## **Forest Service, Recreation, Heritage, and Wilderness Resources Southwestern Region**

### **CHARTER**

#### **1. Committee's Official Designation**

Arizona National Scenic Trail Advisory Council

#### **2. Authority**

The Charter for the Arizona National Scenic Trail Advisory Council (Council) is authorized by Section 5(d) of the National Trails System Act (Act) (Pub. L. 90-543) as amended through (Pub. L. 111-11)(16 U.S.C. §§ 1241 to 1251), and the Secretary of Agriculture. The Council operates and the charter is renewed in accordance with the provisions of the Federal Advisory Committee Act (FACA) as amended, 5 U.S.C. App. 2.

#### **3. Objectives and Scope of Activities**

The purposed of the Council is to provide advice and recommendations to the Secretary of Agriculture, through the Chief of the Forest Service, on matters relating to the Arizona National Scenic Trail (Arizona Trail), as described in the Act.

#### **4. Description of Duties**

The Council will be solely advisory in nature. The Secretary shall consult with the Council with respect to matters relating to the Arizona Trail, including the selection of rights-of-way, standards for the erection and maintenance of trail markers, and trail administration. The Council will also advise the comprehensive plan process for the Arizona Trail. Advice or recommendations only will be provided by the Council. All activities of the Council will be conducted in an open, transparent, and accessible manner.

#### **5. Agency or Official to Whom the Committee Reports**

The Council reports to the Secretary of Agriculture through the Chief of the Forest Service.

**6. Support**

Clerical and other administrative support will be provided by the USDA Forest Service in the Southwestern Region.

**7. Estimated Annual Operating Costs and Staff Years**

Annual estimated operating costs of the Council is \$40,000. Expenses will be borne by the USDA Forest Service each year. Federal staff support is estimated at 0.3 staff year per year.

Members of the Council shall serve without compensation, but may, in performance of their duties away from home or regular places of business, be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, as authorized in 5 U.S.C. 5703. All expenses will be subject to the approval of the DFO.

**8. Designated Federal Officer**

A permanent Federal employee is to be appointed in accordance with agency procedures and will serve as the DFO. The DFO will approve the advisory committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports.

The Forest Service Arizona National Scenic Trail Administrator will serve as the DFO for the Council.

**9. Estimated Number and Frequency of Meetings**

The Council will meet at least once annually, or as often as is necessary to complete its business. A majority of the Council members must be present to constitute an official meeting. The Council or subcommittee shall not hold any meetings except at the call of, or with the advance approval of the DFO. Attendance may be in-person, by telephone, or by other electronic means

All meetings will be open to the public, and all proceedings and relevant documents will be posted and made accessible to the public.

**10. Duration**

Continuing.

## **11. Termination**

The Charter will expire 2 years from the date it is filed, unless it is renewed prior to that date in accordance with FACA, Section 14. The Council will not meet or take any action without a valid current charter.

## **12. Membership and Designation**

12a. The Council will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage fresh points of view, such as establishing staggered membership terms and limiting the number of renewed memberships.

12b. Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Council. To ensure that the recommendations of the Council have taken into account the needs of the diverse groups served by USDA, membership shall include, to the extent possible, individuals with demonstrated ability to represent all racial and ethnic groups, minorities, women and men, and persons with disabilities.

12c. The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, gender identity, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program.

The Council will be comprised of no more than 35 members who will provide a balanced and broad representation within the following interests:

1. The head of each Federal department or independent agency administering lands through which the trail route passes, or a designee;
2. One or more members appointed to represent each State through which the trail passes, and such appointments will be made from recommendations of the Governors of such States; and representatives from state agencies and local governments.
3. One or more members to represent private organizations, including corporate and individual landowners and land users, which, in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations.

Vacancies on the Council shall be filled in the same manner as the original appointments. Nominees will be sought through an open and public process that



includes, but is not limited to, nominees submitted by tribal governments, county and state governments, community based/non-governmental organizations, and individuals who represent the interests of the public served by National Forest System programs and land resources related to the Arizona Trail.

12d. Of these members, one person who is recognized for his or her ability to lead a group in a fair and focused manner, and who has been briefed on the mission of this Council will be designated to be the Chairperson. A co-Chairperson may be assigned, especially to facilitate his or her transition to become the Chairperson in the future.

#### d. Ethics Statement

To maintain the highest levels of honesty, integrity and ethical conduct, no Committee or subcommittee member shall participate in any "specific party matters" (i.e., matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Committee or Subcommittee members to immediately disclose to the DFO (for discussion with USDA's Office of Ethics) any specific party matter in which the member's immediate family, relatives, business partners or employer would be directly seeking to financially benefit from the Committee's recommendations. Members of the Committee shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims grants, or agreements that involve lands or resources administered by the Forest Service, or in any litigation related thereto. For purposes of this paragraph, indirect interest includes holdings of a spouse or a dependent child.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Committee's advice and recommendations. Members who are appointed as "Representatives" are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

Members appointed as "Special Government Employees" (SGEs) are considered intermittent Federal employees and are subject to Federal ethics laws. SGE's are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form) and, upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards USDA will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

**13. Subcommittees**

The Council may recommend the creation of subcommittees, which the Agency will approve. Subcommittees must report back to the parent council, and must not provide advice or work products directly to the Agency.

**14. Recordkeeping**

The records of this Council, formally and informally established subcommittees, or other subgroups of the Council, shall be handled in accordance with General Records Schedule (GRS) 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

**15. Filing Date**

DEC – 5 2016